



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Sharon B. PAYTON et al

Group Art Unit: 1761

Serial No.: 09/842,195

Examiner: C. Paden

Filed: April 26, 2001

For: pH CONTROL OF SAUCES USED ON ACIDIFIED PASTA OR RICE

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant, through counsel, hereby petition to withdraw a holding of abandonment for failure to respond to an Office Action purportedly mailed May 13, 2004 by the end of the six month statutory period, November 13, 2004.

The reason for the petition is that the Office Action of May 13, 2004 was never received by the attorney of record's office

BACKGROUND

Applicants filed a Response to Notice of Non-Compliant Amendment on April 26, 2004. A copy of the form of the undersigned's file wrapper show that no correspondence was entered since that date except for a routine status letter on November 29, 2004.

On December 6, 2004, the undersigned received a telephone call from the Examiner in charge of the Application urgency as to whether a response had been filed to an Office Action of May 13, 2004. I retrieved the file and told the Examiner that there was no record of the Office Action on the face of the file or within the file.

I subsequently retrieved the Office Action from the USPTO Pair System and initiated an inquiry of the docket clerk on December 7, 2004. A copy of the results of that inquiry is set forth in the Declaration of MaryAnn Taylor, attached as an Exhibit to this Petition.

The results of the inquiry is that none of the records of the firm show receipt of an Office Action dated May 13, 2004, although there were numerous other USPTO mail bearing that date received in the office. The docket record for the instant application, like the face of the file, shows no entry of an Office Action dated May 13, 2004. Similarly, the docket record of all cases due on August 13, 2004 (the presumed three month response date to an Office Action of May 13, 2004 also do not show a due date for the instant application).

In summary, for whatever reason, it does not appear that the Office Action of May 13, 2004, in connection with this application was ever received by this office.

A response to that Office Action is filed simultaneously with this petition.

If any fee is necessary for this petition, it may be charged to the undersigned's deposit account 19-4375, but if the petition is granted refund of the petition fee to that account is requested.

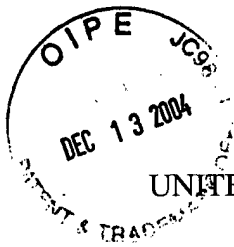
Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689
Attorney of Record

TPP:mat:spp
Attorney Docket No.: TPP 30866A

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Mailing Address: P.O. Box 34387
Washington, D.C. 20043
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Facsimile: (202) 408-5200 or (202) 408-5088



UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent of

Sharon B. PAYTON et al

Group Art Unit: 1761

Serial No.: 09/842,195

Examiner: C. Paden

Filed: April 26, 2001

For: pH CONTROL OF SAUCES USED ON ACIDIFIED PASTA OR RICE

DECLARATION OF MARY ANN TAYLOR

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I, Mary Ann Taylor, am over the age of twenty-one years and am fully competent to testify as to the following matters:

1. I am an employee of Stevens, Davis, Miller & Mosher, L.L.P. and have been employed as Secretary to a partner, Thomas P. Pavelko, since November 12, 1996;
2. I am also the docket clerk for Stevens, Davis, Miller & Mosher, L.L.P. and, as part of my duties, I docket all incoming patent mail from the United States Patent and Trademark Office into Stevens, Davis, Miller & Mosher, L.L.P.'s Patsy Docketing System;
3. In accordance with my duties as docketing clerk, I had docketed all mail forwarded from the United States Patent and Trademark Office, with a mail date of May 13, 2004, into Stevens, Davis, Miller & Mosher, L.L.P.'s Patsy Docketing System;

including any mail from the United States Patent and Trademark Office which would have been for U.S. Patent Application Serial No. 09/842,195;

4. On or about December 7, 2004, I was informed by Thomas P. Pavelko that he had received a telephone call from the examiner in charge of the above-identified application inquiring as to whether or not Stevens, Davis, Miller & Mosher, had filed a response to the Office Action mailed May 13, 2004;
5. I immediately checked our Patsy Docketing System and found that there was no entry for an Office Action dated May 13, 2004 for U.S. Patent Application No. 09/842,195. A copy of the Patsy Docketing Record for U.S. Patent Application No. 09/842,195 is enclosed hereto as Attachment A;
6. I then checked our log book of all incoming mail from the United States Patent and Trademark Office and copied all material with a date of May 13, 2004. I found no record in the log book of Stevens, Davis, Miller & Mosher reflecting receipt of the Office Action of May 13, 2004, for U.S. Patent Application No. 09/842,195. A copy of all incoming mail from the United States Patent and Trademark Office with a mail date of May 13, 2004, is enclosed hereto as Attachment B; I also printed a docket from Stevens, Davis, Miller & Mosher, L.L.P.'s computerized docket records for August 13, 2004, noting that there is no record of any response for U.S. Application Patent Application No. 09/842,195 contained therein, a copy of which is enclosed herewith as Attachment C;
7. Having failed to find any record of receipt of an Office Action dated May 13, 2004, in the log book or on the Patsy Docketing System of Stevens, Davis, Miller &

Mosher, L.L.P., it can be ascertained that no Office Action dated May 13, 2004, for U.S. Patent Application No. 09/842,195, was received in the offices of Stevens, Davis, Miller & Mosher, L.L.P.

Further, declarant sayeth not.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

12/10/04
Date

Mary Ann Taylor
Mary Ann Taylor

SDMM# TPP30866A

PRINTED ON: 12/13/2004

COUNTRY	US	UNITED STATES	TITLE		PRIOR	4/26/2000
NEW/CON	FCA	SERIAL#	09/842,195	pH CONTROL OF SAUCES USED ON ACIDIFIED PASTAT OR RICE	MAIL	
RELATED	TPP30866	PATENT#			FILE	4/26/2001
TYPE	UTL	STATUS	PUBLISHED		PUBL	5/9/2002
CLIENT	3859	KRAFT FOODS	1	CREF	R.I.F.2414	ISSUE
AGENT				AREF		1ST
						EXP
						4/26/2021

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
FS	N	FILG RCPT STATUS CHK	4/26/2001	3 M	7/26/2001		7/26/2001	0	6/20/2001	0 M	Y	Y	Y
G2	N	MISSING PARTS (2 MO)	6/15/2001	2 M	8/15/2001	4 1	12/15/2001	4	9/7/2001	1 M	Y	Y	Y
AS	Y	ASSIGNMENT	9/7/2001										
PT	Y	ASSOC POWER OF ATTY	9/7/2001										
ZZ	N	ASSIGNMENT RECORDED?	9/7/2001	6 M	3/7/2002	0	3/7/2002	0	11/26/2001	0 M	Y	Y	Y
PU	N	PUBLICATION	4/26/2001	18 M	10/26/2002		10/26/2002	0	5/24/2002	1 M	Y	Y	Y
SC	N	STATUS CHECK	4/26/2001	18 M	10/26/2002	3 1	1/26/2003	1	10/29/2002	1 M	Y	Y	Y
RR	N	RESTRICTION REQUIRE	11/27/2002	1 M	12/27/2002	5 1	5/27/2003	0	12/18/2002	1 M	Y	Y	Y
RE	N	RESPONSE TO OA	1/17/2003	3 M	4/17/2003	3 1	7/17/2003	1	4/17/2003	1 M	Y	Y	Y
NA	Y	NOTICE OF APPEAL	6/4/2003										
FR	Y	FINAL REJECTION	6/4/2003										
RQ	Y	REQ RECON. GRNTD?	9/4/2003										
RQ	Y	REQ RECONSIDERATION	9/4/2003										
AV	Y	ADVISORY ACTION	9/24/2003										
PM	Y	PRELIMINARY AMENDMT	10/6/2003										
RQ	Y	REQ CONT. EXAM	10/6/2003										
SC	Y	STATUS CHECK	10/6/2003										
R4	N	C-U RESP. NON-COMLIA	4/7/2004	15 D	4/22/2004	0 0	4/22/2004	0	4/22/2004	0 M	Y	Y	Y
RE	N	RESPONSE NON-COMPLIA	4/7/2004	1 M	5/7/2004	0 0	5/7/2004	0	4/26/2004	1 M	Y	Y	Y
SC	N	STATUS CHECK-URGENT	4/26/2004	7 M	11/26/2004	0	11/26/2004	0	11/29/2004	1 M	Y	Y	Y
SC	N	STATUS CHECK	11/29/2004	6 M	5/29/2005	0	5/29/2005	0		1 M	Y	Y	Y

INVENTORS

ANTHONY IRWIN

SHARON PAYTON

ASSIGNEES

BORDEN FOODS CORPORATION

PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
TPP30866	US	60/199,830	4/26/2000	pH CONTROL OF SAUCES USED ON ACIDIFIED PASTAT OR RICE	APPL

TPP43243	CA	2,345,513	4/26/2000	PH CONTROL SAUCES USED ON ACIDIFIED PASTA OR RICE	APPL
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USER-DEFINABLE FIELDS		PATENT FIELDS			
ART#	1761	SMALL ENTITY	NO	ART UNIT	1761
EXAM.	CAROLYN A. PADEN	CLAIMS	20	EXAMINER	CAROLYN A. PADEN
SDMM#	TPP30866A	PUBLICATION#		CONFIRM#	5423

P10675US01	ENTERED	4/26/2001	MODIFIED	11/29/2004	BY	MAB	ATTORNEYS	TPP	/	TPP	/	TPP
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NOTES

REEL/FRAME NO.: 012154/0807; RECORDATION DATE: SEPT 7, 01;

REEL/FRAME NO.: 012154/0799; RECORDATION DATE: SEPT 7, 01;

PUBLICATION NO.: US-2002-0054939-A1;

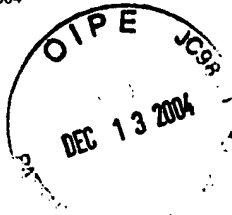


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/362,996	05/14/2003	Mamoru Yamamoto	L8494.03102	9368

7590 05/13/2004
Stevens Davis
Miller & Mosher
Suite 850
1615 L Street NW
Washington, DC 20036



EXAMINER

MCAVOY, ELLEN M

ART UNIT PAPER NUMBER

1764

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RESPONSE DUE Aug. 13, 2004
DOCKETED DATE May 17, 2004
BY MA

STEVENS DAVIS, MILLER
AND MOSHER

4 MAY 14 P1:35

RECEIVED



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/272,293	06/01/2004	6,251,114	L7307.02149	7985

24257 7590 05/13/2004

STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON, DC 20036

DEC 13 2004

L 7734.02149

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Paul Eglin, Aix-En-Provence, FRANCE;

DOCKETED

By MAT on 5.18.04



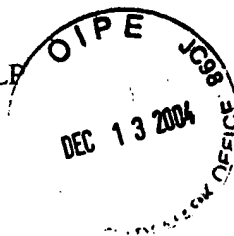
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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,523	06/01/2004	6745035	L9289.02117	4075

24257 7590 05/13/2004

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WASHINGTON, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Hideki Kanemoto, Kanagawa, JAPAN;
Kazuyuki Miya, Kanagawa, JAPAN;

DOCKETED
By MAT on 5.18.04



UNITED STATES PATENT AND TRADEMARK OFFICE

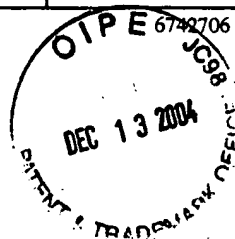
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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,735	06/01/2004	6742706	L7016.01123	4704

7590

05/13/2004

STEVENS
DAVIS, MILLER & MOSHER, L.L.P.
Suite 850
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Washington, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 164 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Kazutaka Sakamoto, Kikuchi-gun, JAPAN;
Mikio Kawasaki, Kumamoto-shi, JAPAN;
Hiroyuki Ueta, Tamana-shi, JAPAN;
Sinji Arase, Tamana-shi, JAPAN;

DOCKETED

By MAT on 5.18.04



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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/983,742	06/01/2004	6743586	TPP 31409	1134

7590

05/13/2004

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
Suite 850
1615 L. Street, N.W.
Washington, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 43 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

John P. Marino, Silver Spring, MD;
James T. Stivers, Baltimore, MD;
Karen Lacourciere, Silver Spring, MD;

DOCKETED
By MAT on 5.18.04



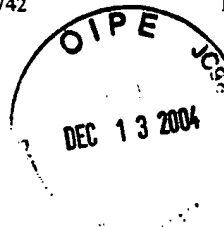
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/144,760	06/01/2004	6742742	L7307.02124	3842

24257 7590 05/13/2004

STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 59 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

Vincent Claudet, Saint Agne, FRANCE;

DOCKETED
By MAT on 5.18.04



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,822	06/01/2004	6742193	TPP 30851A	1531

7590 05/13/2004
Stevens Davis Miller & Mosher
1615 L Street NW
Suite 850
Washington, DC 20036



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 98 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

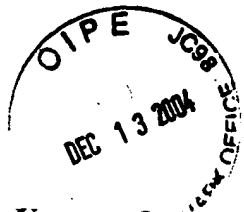
Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(S):

David Graziosi, Magnolia, GERMANY;
Donald R Cohee, Felton, GERMANY;
Steven M Lloyd, Smyrna, GERMANY;

DOCKETED
By MAT on 5.18.04



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 13, 2004

PTAS
STEVENS, DAVIS, MILLER & MOSHER, LLP.
JAMES E. LEDBETTER, ESQ.
1615 L STREET, NW, SUITE 850
WASHINGTON, DC 20036



102581796A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/07/2003

REEL/FRAME: 014606/0769
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
TAKAHASHI, HIDEYUKI

DOC DATE: 06/16/2003

ASSIGNOR:
KITAGAWA, KEIICHI

DOC DATE: 06/16/2003

ASSIGNOR:
HAGA, HIROKI

DOC DATE: 06/16/2003

ASSIGNOR:
HAYASHI, MASAKI

DOC DATE: 06/16/2003

ASSIGNOR:
HIRAMATSU, KATSUHIKO

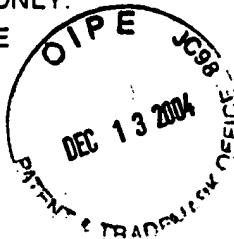
DOC DATE: 06/16/2003

DOCKETED
By MAT on 5.18.04

****Please place on Upper Right Corner****
****of Response to Office Action ONLY.****

Examining Attorney: FAINT, CATHERINE

Serial Number: 76/514113



PATENT AND TRADEMARK OFFICE

MAY 13 2004

APPLICANT: BSH PROFILO ELEKTRIKLI GERECLER SANAYI A ETC.

CORRESPONDENT ADDRESS:

ANTHONY P. VENTURINO
STEVENS DAVIS MILLER & MOSHER L.L.P.
1615 L STREET, N.W., SUITE 850
WASHINGTON, D.C. 20036

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive

Washington, D.C. 2002-3514

FINAL RESPONSE
NOTICE OF APPEAL

DATE DUE Nov. 13, 2004

DOCKETED DATE May 18, 2004

BY MAT

MARK: PROFILO

CORRESPONDENT'S REFERENCE/DOCKET NO: RCH15479B

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

PRIORITY ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE. This case will be given priority as an amended case if you respond to the requirements stated below within two months.

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

RE: Serial Number 76/514113

The following issues were discussed in communication with Anthony Venturino, Atty. on May 11, 2004.

This letter responds to the applicant's communication filed on April 15, 2004. The applicant amended the identification of goods, which amendments are not entirely acceptable as noted below.

This is a **FINAL** action.

Identification of Goods

The amended identification of goods is unacceptable as indefinite in part. The applicant may not use parenthetical phrases, or the language "but not limited to" as these are indefinite. Also applicant must clarify "fuel, gas or electric." correct the typographical error for "clothes dryers" and delete the redundant identification of "central type air conditioners."



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

em

Mailed: May 13, 2004

Cancellation No. 92042718

CDOC, Inc.

v.

FORGET-ME-NOT FOUNDATION,
INC., THE

Answer was due on January 24, 2004. A review of the record shows that an answer has not been filed.

This case now comes up for consideration of petitioner's motion, filed March 19, 2004, for default judgment against respondent for failure to file an answer. The motion is uncontested.¹

Inasmuch as respondent failed to file an answer in this case, and failed to respond to petitioner's motion in any manner, the motion for default judgment is granted. See Trademark Rule 2.127(a). Accordingly, judgment is hereby entered against respondent, the petition for cancellation

¹ If a defendant fails to file an answer to a complaint during the time allowed therefor, the Board, on its own initiative, may issue a notice of default allowing the defendant time to show cause why default judgment should not be entered against it. The issue of whether default judgment should be entered against a defendant for failure to file an answer may also be raised by means of a motion filed by the party in the position of

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By BKB on 05/20/04



DEC 13 2004

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/481,451	12/19/2003	Kenichi Miyoshi	L9289-03181

24257
STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON, DC 20036

CONFIRMATION NO. 5191



OC000000012638534

Date Mailed: 05/13/2004

NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE

The above-identified application has a new or revised projected publication date. The current projected publication date for this application is 08/19/2004. If this is a new projected publication date (there was no previous projected publication date), the application has been cleared by Licensing & Review or a secrecy order has been rescinded and the application is now in the publication queue.

If this is a revised projected publication date (one that is different from a previously communicated projected publication date), the publication date has been revised due to processing delays in the USPTO or the abandonment and subsequent revival of an application. The application is anticipated to be published on a date that is more than six weeks different from the originally-projected publication date.

More detailed publication information is available through the private side of Patent Application Information Retrieval (PAIR) System. The direct link to access PAIR is currently <http://pair.uspto.gov>. Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at (703) 305-3028.

Questions relating to this Notice should be directed to the Office of Patent Publication at (703) 305-8283.

PART 1 - ATTORNEY/APPLICANT COPY

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By MAT on 5.21.04



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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/384,702	03/11/2003	Francis W. Wang	TPP31480

STEVENS, DAVIS, MILLER & MOSHER, LLP
Suite 850
1615 L Street NW
Washington, DC 20036

CONFIRMATION NO. 4045



OC000000012644387

Date Mailed: 05/13/2004

NOTICE OF NEW OR REVISED PROJECTED PUBLICATION DATE

The above-identified application has a new or revised projected publication date. The current projected publication date for this application is 07/15/2004. If this is a new projected publication date (there was no previous projected publication date), the application has been cleared by Licensing & Review or a secrecy order has been rescinded and the application is now in the publication queue.

If this is a revised projected publication date (one that is different from a previously communicated projected publication date), the publication date has been revised due to processing delays in the USPTO or the abandonment and subsequent revival of an application. The application is anticipated to be published on a date that is more than six weeks different from the originally-projected publication date.

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Questions relating to this Notice should be directed to the Office of Patent Publication at (703) 305-8283.

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By MAT on 5.21.04

URGENT ATTORNEY #1 DOCKL FOR THOMAS P. PAVELKO

Through: 8/16/2004

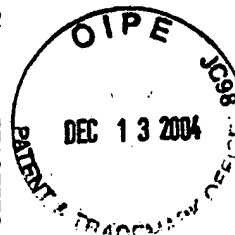
Printed: 8/12/2004

22.14 Docket up thru Monday, August 16, 2004

ATTY/ATTY2	PARA	REFERENCE#	TITLE/MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
August 2004								
13 Fri	TPP/TPP/TPP	TPP31479A	<i>flexible disposal vessel</i> FLEXIBLE DISPOSAL VESSEL	ILC DOVER, INC.	(US) 10/777,088	PUBLICATION	0	None
13 Fri	TPP/TPP/TPP	TPP31479A	<i>flexible disposal vessel</i> FLEXIBLE DISPOSAL VESSEL	ILC DOVER, INC.	(US) 10/777,088	CU-FOR FIL DUE-2/13	0	None
13 Fri	TPP/TPP/TPP	TPP31479PCT	<i>flexible disposal vessel</i> FLEXIBLE DISPOSAL VESSEL	ILC DOVER, INC.	(WO) PCT/04/04362	RECORD COPY CHECK	0	None
13 Fri	TPP/TPP/TPP	TPP31479PCT	<i>flexible disposal vessel</i> FLEXIBLE DISPOSAL VESSEL	ILC DOVER, INC.	(WO) PCT/04/04362	INT'L SRCH RPT RECVD	0	None
13 Fri	TPP/TPP/TPP	TPP31479PCT	<i>flexible disposal vessel</i> FLEXIBLE DISPOSAL VESSEL	ILC DOVER, INC.	(WO) PCT/04/04362	PUBLICATION	0	None
13 Fri	TPP/TPP/PP	TPP31488PCT	ANIMAL REGISTRY SYSTEM AND METHOD	HARVEY PAWLICK	(WO) PCT/US04/12970	VERIFY DESIGNATIONS	0	None
13 Fri	TPP/TPP/NOW	TPP43282IL	METHOD AND CONSTRUCTION OF HASH F	Non-Elephant Encryption System (IE)	S2002/0741	C/U-ANN. DUE-09/13	0	None
13 Fri	TPP/TPP/NOW	TPP43283IL	KEY AGREEMENT PROTOCOL BASED ON N	Non-Elephant Encryption System (IE)	S2002/0742	C/U-ANN DUE IN 1 MO	0	None
13 Fri	TPP/TPP/TPP	TPP43370IE	KEY AGREEMENT PROTOCOL BASED ON	Non-Elephant Encryption System (IE)	N/A	CU-RECVD ASSIGNMENT?	0	None
14 Sat	TPP/TPP/NOW	TPP31448	MINIATURE FREQUENCY STANDARD BASE	NATIONAL INSTITUTE OF STA	(US) 10/175,498	ISSUE NOTICE REC'D?	0	None
14 Sat	TPP/TPP/PP	TPP31488	ANIMAL REGISTRY SYSTEM AND METHOD	HARVEY PAWLICK	(US) 10/436,141	NOTICE OF APPEAL	0	3 Ex/1 Mnth
15 Sun	TPP/TPP/TPP	TPP31414DV	FLOORING MATERIAL	PERSTORP SUPPORT AB	(US) 10/712,342	1 MTH C-U TO OA	0	None
15 Sun	TPP/TPP/TPP	TPP43087	TEXTURE STABILIZED FRESH PASTA FOR C	BORDEN FOODS CORPORATI	(IT) UD 98 A 000124	STATUS CHECK	2	None

END OF REPORT

TOTAL ITEMS SELECTED = 13



#1324

Draft
Don Fuchs

AGENT/ASSOCIATE ATTY.

AGENT/ASSOCIATE REF. NO.

TPP

SDM & M PARTNER

SDM & M ASSOCIATE

Sharon & PAYTON et al

INVENTOR

09/842,195

APPL. SERIAL NO.

April 26, 2001

FILING DATE

pH Control of Sauces Used on Acidified Pasta or Rice

INVENTION TITLE

PROSECUTION HISTORY

Description of Paper	Date of Paper	Due Date (If Any)
Notice to File Missing Parts	June 15, 2001	August 15, 2001
Response to Notice to File Missing Parts	Sept. 7, 2001	
Notice of Publication	May 9, 2002	
First Letter	October 29, 2002	
Restriction Requirement	November 27, 2002	December 27, 2002
Response to Restriction Requirement	December 15, 2002	
First Action	January 17, 2003	April 17, 2003
Amendment	April 17, 2003	
Final Rejection	June 4, 2003	September 4, 2003
Request for Reconsideration	September 4, 2003	
NOA / XOT		October 4, 2003
Advisory Action	September 23, 2003	
CE / Pre. Amend	October 6, 2003	
Notice of Non-Compliant Amendment	April 7, 2004	May 7, 2004
Response to Notice	April 26, 2004	
Status Letter	November 29, 2004	

Date Accepted/Allowed

Date Granted

Patent Number

Patent Date

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